

Attorney Docket No.: C4328(C)
Serial No.: 10/576,647
Filed: May 25, 2007
Confirmation No.: 5444

REMARKS


Reconsideration of the application, as amended, is respectfully requested.

Applicants are grateful to the Examiner for clarification of the 102(e) rejection on January 8, 2009. Applicants respectfully request that the present remarks, Declaration under 37 C.F.R. §1.132 and Terminal Disclaimer be entered.

The claims were rejected under 35 U.S.C. §102(e) over U.S. 2003/023732 and U.S. 2003/0230736. Applicants enclose Declaration under 37 C.F.R. §1.132 from a co-inventor, Patricia Veerman-Petersen, stating she is the same person as the co-inventor Petersen of the prior art references. The rest of the inventors' names are identical. Consequently, it is respectfully submitted that the present application is not by "another" as required under 35 U.S.C. §102(e). In light of the enclosed declaration, the rejection under 35 U.S.C. §102(e) is considered to be moot.

It is respectfully requested that the application be allowed to issue. If a telephone conversation would be of assistance in advancing the prosecution of the present application, applicants' undersigned attorney invites the Examiner to telephone at the number provided.

Respectfully submitted,


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